

KRONENBERGER BURGOYNE, LLP

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Attorneys for Plaintiffs

I.E.I. Company Limited and International Education, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

I.E.I. COMPANY LIMITED, *et al.*,

Plaintiffs,

vs.

**ADVANCE CULTURAL EXCHANGE
TRAINING CORPORATION, *et al.*,**

Defendants.

Case No. 4:09-CV-05079 PJH

**STIPULATION AND [PROPOSED]
ORDER RELEASING FROZEN
FUNDS TO PLAINTIFFS**

This matter comes before the Court on stipulation of Plaintiffs I.E.I. Company Limited and International Education, Inc. ("Plaintiffs") and Defendants Advance Cultural Exchange Training Corporation, Napat Vorapuvadol, Narin Nathradol, and Supawadee Poondej ("Defendants").

RECITALS

1. On or about October 23, 2009, Plaintiffs filed the above-captioned action in this Court, alleging certain claims against Defendants (the "Action").

2. On or about November 16, 2009, Plaintiffs filed a First Amended Complaint. [D.E. 24.]

1 3. On November 18, 2009, the Court entered a preliminary injunction (the
2 "Injunction"). [D.E. 31.]

3 4. On January 13, 2010, Plaintiffs filed a Second Amended Complaint. [D.E.
4 40.] On February 12, 2010, Defendants filed their Answer to Second Amended
5 Complaint. [D.E. 43.]

6 5. On June 9, 2011, the parties participated in a mandatory settlement
7 conference in this matter with Magistrate Judge Jacqueline Scott Corley [D.E. 130],
8 wherein the Defendants agreed to stipulate to judgment in the Action and to release to
9 Plaintiffs all funds frozen by the Injunction, including a cashier's check drawn on Wells
10 Fargo Bank from Defendants to the Los Angeles School District in the amount of
11 \$8,845.54, which is currently in the possession of Plaintiffs (the "Cashier's Check").

12 6. The Cashier's Check, which was originally obtained by Defendants, was
13 returned to Defendants by the payee, the Los Angeles Unified School District, as a
14 result of a particular Thai student not attending school as planned. Exhibit A to this
15 stipulation contains correspondence from Defendant Advance Cultural Exchange
16 Training Corporation and the Los Angeles Unified School District, along with a copy of
17 the Cashier's Check.

18 7. The parties understand that the following banks have frozen funds as of
19 the listed dates: Wells Fargo Bank, \$55,809.19 as of January 11, 2010; Citibank, N.A.,
20 \$552.75 as of November 10, 2009; Premier Bank (located at 1875 W. Highway 36,
21 Roseville, MN 55113), \$1,517.35 as of November 30, 2009. Wells Fargo Bank,
22 Citibank, N.A. and Premier Bank are hereinafter referred to as the "Banks."

23
24 NOW THEREFORE, the parties, through their respective counsel, hereby
25 stipulate as follows:

26 1. The parties request that the Court lift the Injunction and order the Banks to
27 release all funds that they are holding due to the Injunction to Plaintiffs, including all
28 interest accrued from the date the funds were frozen pursuant to the Injunction; and

2. The parties request that the Court order Wells Fargo Bank to treat the payee of the Cashier's Check as Kronenberger Burgoyne, LLP *fbo* I.E.I. Company, Limited. Wells Fargo Bank shall receive, clear, and pay the Cashier's Check as though the Cashier's Check were payable to Kronenberger Burgoyne, LLP *fbo* I.E.I. Company.

STIPULATED AND AGREED TO BY:

Dated: July 21, 2011

KRONENBERGER BURGOYNE, LLP

By: s/Karl S. Kronenberger
Karl S. Kronenberger

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Attorneys for Plaintiffs,
I.E.I. COMPANY LIMITED and
INTERNATIONAL EDUCATION, INC.

Dated: July 21, 2011

LAW OFFICES OF MICHAEL DIETRICK

By: s/ Michael Dietrick
Michael Dietrick

Michael Dietrick
10 Keller Street, Suite 275
Petaluma, CA 94952
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Attorney for Defendants,
Advance Cultural Exchange Training
Corporation, Napat Vorapuvadol, Narin
Nathradol, and Supawadee Poondej

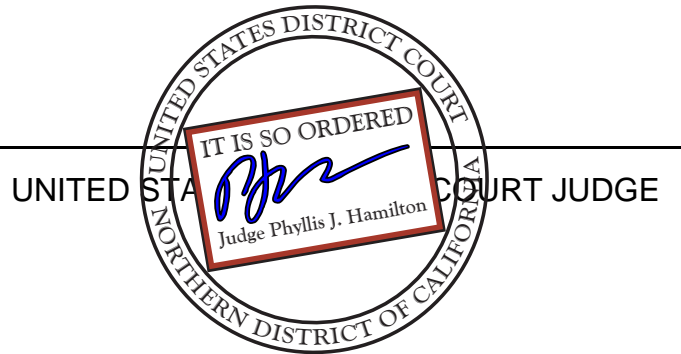
KRONENBERGER BURGOYNE, LLP
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San Francisco, CA 94108
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1 **IT IS SO ORDERED** that:

2 1. The Injunction is hereby lifted, and the Banks are ordered to release to
3 Plaintiffs all funds that they are holding due to the Injunction, payable to Kronenberger
4 Burgoyne, LLP *fbo* I.E.I. Company, including all interest accrued from the date the funds
5 were frozen pursuant to the Injunction; and

6 2. Wells Fargo Bank is ordered to treat the payee of the Cashier's Check as
7 Kronenberger Burgoyne, LLP *fbo* I.E.I. Company, Limited. Wells Fargo Bank shall
8 receive, clear, and pay the Cashier's Check as though the Cashier's Check were
9 payable to Kronenberger Burgoyne, LLP *fbo* I.E.I. Company.

10
11 This 22nd day of July, 2011.



KRONENBERGER BURGOYNE, LLP
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Exhibit A



708 Cleveland Ave SW, Suite 101
New Brighton, Minnesota 55112
Phone (651) 636.0638
Fax (651) 636.0679

November 27, 2009

Mr. Karl S. Kronenberger
Kronenberger Burgoyne, LLP
150 Post Street, Suite 520
San Francisco, CA 94180

Dear Mr. Kronenberger:

As indicated in the court order (No. 4:09-CV-05079 PJH) all assets are to be reported to your office. Please find enclosed an 'Official Check' numbered 0004307934 in the amount of \$8,845.54 drawn on the Wells Fargo and Company of San Francisco, California. This represents a refund for a student who did not attend the Los Angeles Unified School District.

If you should have any questions, please do not hesitate to contact me at 612-385-7904.

Sincerely,

A handwritten signature in blue ink that reads 'George'.

George TL Holt, Ed.D.

Enclosures

Los Angeles Unified School District

FOREIGN STUDENT ADMISSIONS

730 E.14th Street, Los Angeles, CA 90021

MAILING ADDRESS: P.O. Box 3307, Los Angeles, CA 90051

TELEPHONE: (213) 745-1976

Ramon C. Cortines

Superintendent of Schools

Judy Elliott

Chief Academic officer

Rene Gonzalez

Assistant Superintendent

Debra Duardo

Director

Melissa Schoonmaker

Coordinator

Tuition Return Receipt

CHANCHAI THAMARAT

The Foreign Student Admissions Office is returning the Cashier's Check to Supavadee "Amy" Poondej on behalf of Dr George Holt of Advanced Cultural Exchange Program in the amount of \$ 8,845.54 paid to Los Angeles Unified School District for Kan-A-Mart Amatayakul to attend Van Nuys High School during the 2009-2010 school year. The student has decided not return to the United States to study this year

Student's Name Kan-A-Mart Amatayakul

ACEP Representative 

October 12, 2009

Signature

Counselor/Witness

Signature



PRINTED ON LINEMARK PAPER - HOLD TO LIGHT TO VIEW. FOR ADDITIONAL SECURITY FEATURES SEE BACK.

OFFICIAL CHECK

0004307934

00043
Office AU # 11-24
1210(8)

Operator ID: cu018009 cu005120

PAY TO THE ORDER OF *** LOS ANGELES UNIFIED SCHOOL DISTRICT ***

August 19, 2009

*** Eight thousand eight hundred forty-five dollars and 54 cents ***

***\$8,845.54**

WELLS FARGO & COMPANY ISSUER
420 MONTGOMERY STREET
SAN FRANCISCO, CA 94163
PAYABLE AT WELLS FARGO BANK, N.A.
FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US \$ 8,845.54

Michael Teng
CONTROLLER

⑈0004307934⑈

⑈888 505345⑈

Student: Kan A. Mount Araratogaku